

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 4, 2014

[] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Approve a budget transfer in the amount of \$260,000 within Public Building Impact Fee Fund from reserves to establish a project budget line titled Main Courthouse – 3rd & 4th Flr Juvenile Build-out which requires the re-assignment of space at the South County Courthouse to meet the Guardian ad Litem’s (GAL) current space and operational requirements.

Summary: The County is required by Florida Statute to provide space for the 15th Judicial Circuit as well as the Guardian Ad Litem program which is a State agency which provides legal counsel and non-attorney advocates to represent the best interests of a minor child, whose care is the responsibility of the State of Florida and is involved in a dependency case. During the last four years, the number children assigned to GAL has increased by 21% causing increases of 13% and 20% relating to paid staff and volunteers, respectively. At this time additional space is required to; 1) accommodate the staff attorneys, case managers and GAL volunteers, and 2) provide space for records management which meets the requirements for confidentiality. A two part project implemented at the Main Courthouse (\$240,000 Impact Fees) and South County Courthouse (\$27,000 SCC Expansion Bond) are required to provide the GAL expansion space. That same growth in the number of dependency cases has caused the 15th Judicial Circuit to require a space for an additional Juvenile Magistrate at the Main Courthouse (\$20,000 Impact Fees). Initially the Court did not concur with the proposed scope of work for the GAL South County Courthouse portion of the project, specifically as it related to 1) maintaining access to private restrooms by Court Staff, and 2) the re-assignment of Room 233 which is currently being used by the Court for furniture storage. County Staff has proposed an option to address the continued access to the private restrooms, but the Court remains in disagreement with the re-assignment of Room 233. It is the position of the County Attorney’s Office that the County is responsible for the allocation of space in the Courthouse and that so long as it continues to act reasonably, the County can proceed without the concurrence of the Court. As such, Staff recommends proceeding as planned. (FDO Admin/Countywide/JM)

Background & Policy Issues:

GUARDIAN AD LITEM

The County is required by Statute to fund facilities for the State’s Guardian Ad Litem program, just as the county is required to for the State Attorney and Public Defender’s Offices. Guardian Ad Litem is a Program is an independent State agency that provides legal counsel and non-attorney advocates to represent the best interests of a minor child and whose care is the responsibility of the State of Florida and is involved in a dependency case. This is accomplished by paid program staff and an extensive network of community based volunteers.

See Page 3

Attachments:

- 1. Budget Transfer

Recommended by: Armeny Wolf 1/29/14
Department Director Date

Approved by: [Signature] 1/30/14
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u>\$287,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u><u>\$287,000</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes SCC No Main Courthouse (2)

Budget Account No: Fund Department Unit Object

Main Courthouse – See budget transfer (\$260,000)
SCC – 3018-411-B201-6502 (\$27,000)

B. Recommended Sources of Funds/Summary of Fiscal Impact

The Main Courthouse Juvenile Build-out projects on the 3rd and 4th Floor will be funded from Public Building Impact Fees. The use of the public building impact fees for this project was approved by the Impact Fee Coordinator. The work at the South County Courthouse will be accomplished using funds remaining in the 94.3M NAV 03, Pub Improv & Ref Airport Center 92 (Fund 3018) Bond Issue.

While the provision of space is the responsibility of the County, the provision of furniture for that space is the responsibility of the State. In specific cases where it has been determined to be beneficial to the County to provide furniture instead of space, the County has purchased furniture for use by an Article 5 agency. When that occurs, the furniture remains in County ownership and can be re-assigned at the discretion of the County. In this case, approximately \$130,000 in modular furniture will be purchased for use by GAL so that a small amount of space can be used to meet their need, those saving the expenditures associated with hard construction project.

C. Departmental Fiscal Review: _____ *1-25-14*

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Development & Control Comments:

5/1/14
5/1/14
5/1/14
OFMB
_____ *1/30/2014*

Contract Dev. and Control
_____ *1/30/14*

B. Legal Sufficiency:
[Signature]
Assistant County Attorney

C. Other Department Review:

Background and Policy Issues Continued

The Staff (by State, County and non-profit) consists of; 1) a Circuit Director and Assistant Circuit Director who accept and assign cases, determine conflict of interests, discharge cases for a variety of reasons as well as manages all administrative aspects of the program in the Circuit, 2) Child’s Best Interest Attorneys who provide independent legal services for the purpose of protecting a child’s best interest, 3) Child Advocacy Coordinators who provide support, mentors and coaches Volunteer Child Advocates and Staff Child Advocates and monitors every aspect of the child’s dependency case, 4) Volunteer Recruiters and Volunteer Trainer, and 5) minimal administrative staff.

The GAL volunteer is a trained, court appointed volunteer who advocates objectively and solely for the best interests of children who are abused, abandoned or neglected and who are involved in dependency court proceedings. The GAL volunteer serves as the eyes, ears and arms of the justice system. They identify and advocate the best possible result for each child. A GAL volunteer makes independent recommendations to the Court focusing on the needs of each child.

A GAL volunteer has powers and authority set by Statute including:

- Investigating the allegations of the pleadings affecting the child, which may include interviewing the child, witness, or any other person having information, subject to conditions set by the Court.
- Petitioning the Court, through counsel, for an order directed to a specific person, agency or organization including, but not limited to, hospitals, medical doctors, dentists, psychologists and psychiatrists which direct the GAL volunteer authority to inspect and copy records which relate to the minor child or minor child’s parents.
- Requesting, through counsel, the Court to order expert examinations of the child, the child’s parents or other interested parties.
- Assisting the Court in obtaining impartial expert examinations.
- Addressing the Court and making recommendations to the Court including statements or wishes of the child.
- Filing, through counsel, pleadings, motions, or petitions for relief in furtherance of the guardian’s function.

There are a number of factors which impact the number of children with open dependency cases. Some of those factors which have heavily influenced the growth in the last years are; 1) the increase of the age a child may remain in foster care (and then remain the responsibility of DCF) increasing from 18 to 21 and 2) the increase in funding from the State to obtain a GAL for 100% of the children (currently only 79% are being served). There are some factors which may act to lessen those numbers such as community based prevention services and the push to place community resources in the family instead of removing the child, but these are not likely to anywhere near counter the growth impact of the three factors listed above. The following table documents that growth.

Table 1
Number of Children with Open Dependency Cases
Years 2010-2013

Year	Number of Children with Open Dependency Cases	Paid Staff (State and County)	GAL Volunteers	Not For Profit Staff	Total Staff	Notes	Insufficient Resources
2013	1440	25.5	516	4	545.5	This does not include the 15 additional paid staff members and add'l grant funding for non-profit positions slated for funding in FY 14/15 through FY 17/18	.67%
2012	1338	24.0	463	2	489.0		16.68%
2011	1308	22.5	371	1	394.5		3.85%
2010	1184	22.5	431		453.5		5.30%

Background and Policy Issues Continued

Volunteers are typically assigned 1-2 cases with a maximum of 5 with the approval of the Circuit Director. There are currently 1440 children who have been assigned to the 15th Circuit's GAL Program, resulting in an average of each volunteer already handling 2.47 cases. This supports the number of volunteers currently participating in the program and the need to continue grow the staff and volunteer base to adequately cover 100% of the children in State care which is currently 1803.

In addition, there are significant and unique active records management requirements which translate into additional space requirements as well. Because of the confidentiality of the records and the need to have the records in a location centrally located and easily accessible by the GAL attorneys, case coordinators and volunteers but not accessible to visitors, public and members of other agencies, traditional office layouts and records storage systems are not possible unless the space is custom built for GAL (which it was not).

The space requirement over the last years has grown as direct result in the increased number of children in the care of the State and needing a GAL. This has increased the space required for paid program staff, volunteer and records. To address the current need for space, the County is proposing a two part project which will meet the immediate need for space.

Phase 1. South County Courthouse: Relocate GAL (and Justice Services) from its current space of 184 sf to alternate space within the building of 1827 sq footage. This move will accomplish; 1) providing GAL Program Staff with sufficient space for the current South County Courthouse caseload, 2) providing appropriate offices for 1 additional attorney that cannot be accommodated in the South County Courthouse existing space, and 3) provide space for the relocation of a portion of the staff/records maintained at the Main Courthouse while Phase 2 of the project is completed.

Phase 1 of the GAL Expansion project would occur at South County Courthouse and be accomplished by relocating GAL and Justice Services from the space they currently share on the 2nd Flr North side of the building (Suite 2C-201) to either Suite 2E-217 or Suite 2E-248 at the SE corner of the building. Suites 2E-217 and 2E-248 were originally constructed for use by the Justice Services and GAL programs but was instead temporarily occupied by the Public Defender and State Attorney during the renovation and then furnished by the Court Administration but never fully, permanently or consistently occupied. The Court was offered the choice of vacating either Suite 2E-217 or 2E-248 (which are roughly the same size) in exchange for Suite 2C-201 which would be returned to the Court for use by Court Administration, also as originally intended. The Court suggested that Suite 2E-217 be vacated provided modifications were made to address its concerns.

The Court's initial concerns over the loss of Suite 2E-217 are due to; 1) the removal of the Court's use of Room 2E-233, and 2) cutting off direct access by Court Administration to what are now being used as private staff restrooms located within Suite 2E-217. Instead, the Court has requested to retain use of Room 2E-233 and has proposed a wall with locking door be constructed to separate the space to be occupied by GAL/Justice Services to allow Court Admin Staff direct access to the restroom without entering GAL/Justice Services space. The addition of the proposed door/wall and associated access and security modifications to maintain the desired separation and compliance with code will add \$14,000 to the cost of the project. Besides for the cost and the improvements not being consistent with our space standards, Staff agreed to not oppose this portion of the request in order to reach resolution.

The loss of Room 2E-233 will eliminate the ability of GAL to use the space and remain in compliance with records management requirements for active South County Courthouse cases. The GAL records cannot be secured within the offices as the 2 remaining offices are being assigned to Justice Services for their current staff and the staff being re-assigned from Main Courthouse (to see clients residing in South County at the South County Courthouse) due to a space shortage created at the Main Courthouse when Justice Services gave up space to accommodate the Court. In addition, GAL and Justice Services share some resources, so a separation may impact the effective of these agencies. There is more than sufficient space within Suite 2E-248 or 2C-201 to accommodate the Courts' storage of furniture (currently in Room 233) in other spaces within the courthouses. In addition, Room 233 cannot be occupied as office space without HVAC, electrical and data modifications. For these reasons, County Staff cannot support this request of the Court.

It is the position of the County Attorney's Office that the County is responsible for the allocation of space in the Courthouse and that so long as it continues to act reasonably, the County can move forward with the space re-allocation as proposed by Staff regardless of whether the Court ultimately concurs.

Background and Policy Issues Continued

The State/Court furnished Suite 2E-217 and the County furnished the North Side spaces currently occupied by GAL and Justice Services in 2C-201. County Staff suggests that the County and the State exchange ownership of furniture which exists in each space which will result in a payment/credit from the County to the State of approximately \$11,875 (Option #1). The Court has requested that the County remove and store the State's existing furniture, relocate the existing furniture from the North side to Suite 2E-217 and purchase the additional furniture required for GAL/Justice Services occupancy. Staff is recommending Option #1 as it facilitates the exchange of the space and uses existing assets until the end of their life and provides the Court with funding for new furniture when required (in lieu of buying new furniture while existing remains stored).

The total cost of the GAL project as proposed by Staff at the South County Courthouse is \$13,000 and is recommended for funding from funds remaining in the bond which funded the South County Courthouse Expansion Project. This budget is sufficient whether or not the Court chooses Option #1 or Option #2.

Phase 2. Main Courthouse: Exchange the current space occupied by Justice Services (4th Flr Juvenile) and GAL (5th Flr Criminal) and build-out the shell space adjacent to the 4th Flr Juvenile occupied space. The build-out of approximately 1,000 sf of shell space and capital improvements to the adjacent 4th Flr space will allow the growth in staffing to be accommodated.

The total cost of the GAL project at the Main Courthouse is \$240,000 and is recommended for funding from Public Building Impact Fees.

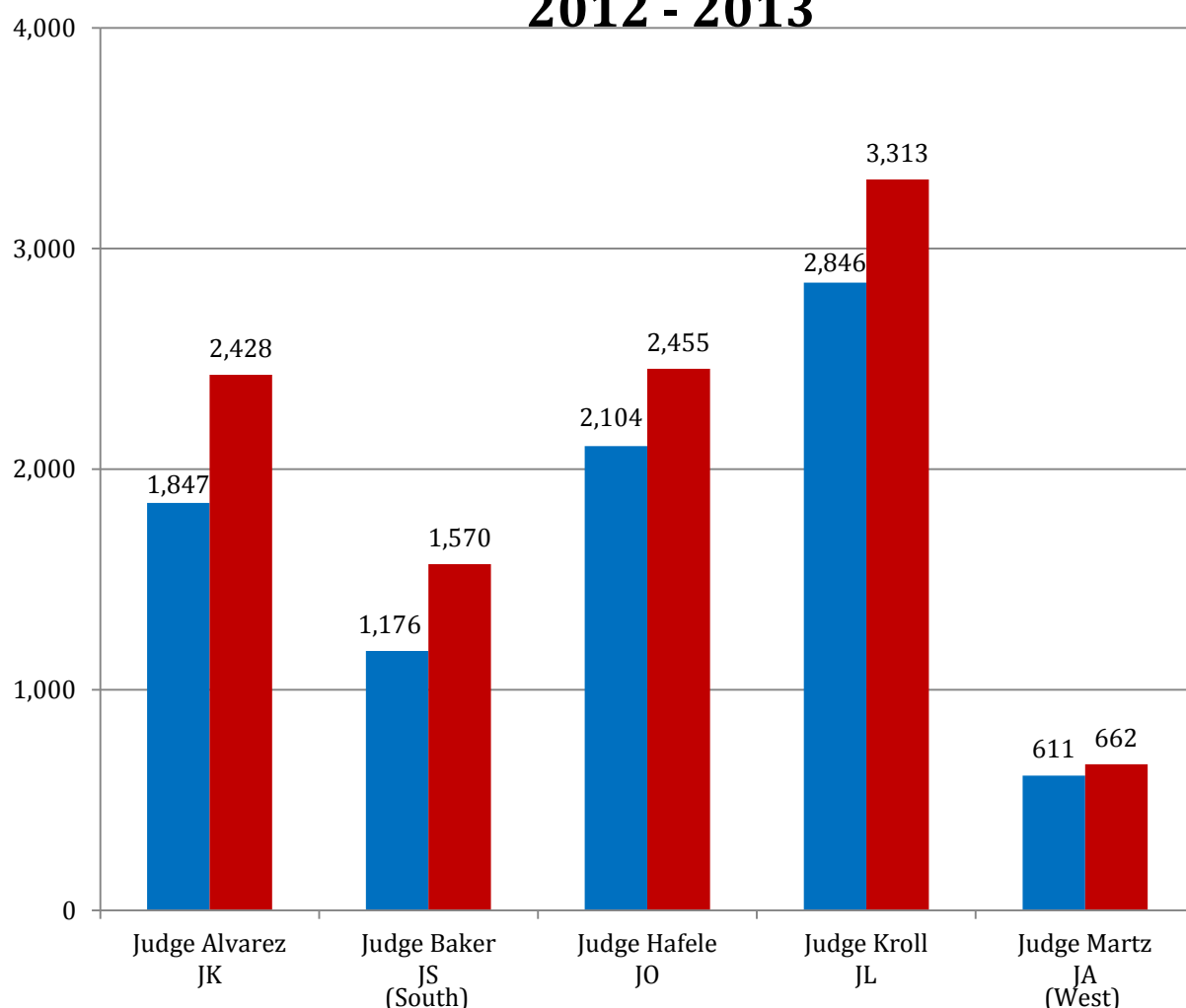
15TH JUDICIAL CIRCUIT – JUVENILE MAGISTRATE BUILD-OUT

The County is required by Statute to fund facilities for the 15th Judicial Circuit Court.

Several legislative changes have imposed new requirements on Judges presiding over juvenile dependency matters. These changes have resulted in the 15th Judicial Circuit's need to increase judicial and magistrate resources in the Juvenile Division (see Table 2). The changes now require Judges to have more frequent and additional monitoring of cases in a variety of areas (permanency, independent living, extended jurisdiction, psychotropic medication, etc.). Consequently, the number of hearings that Judges must hold has increased dramatically and the duration of each court event has lengthened.

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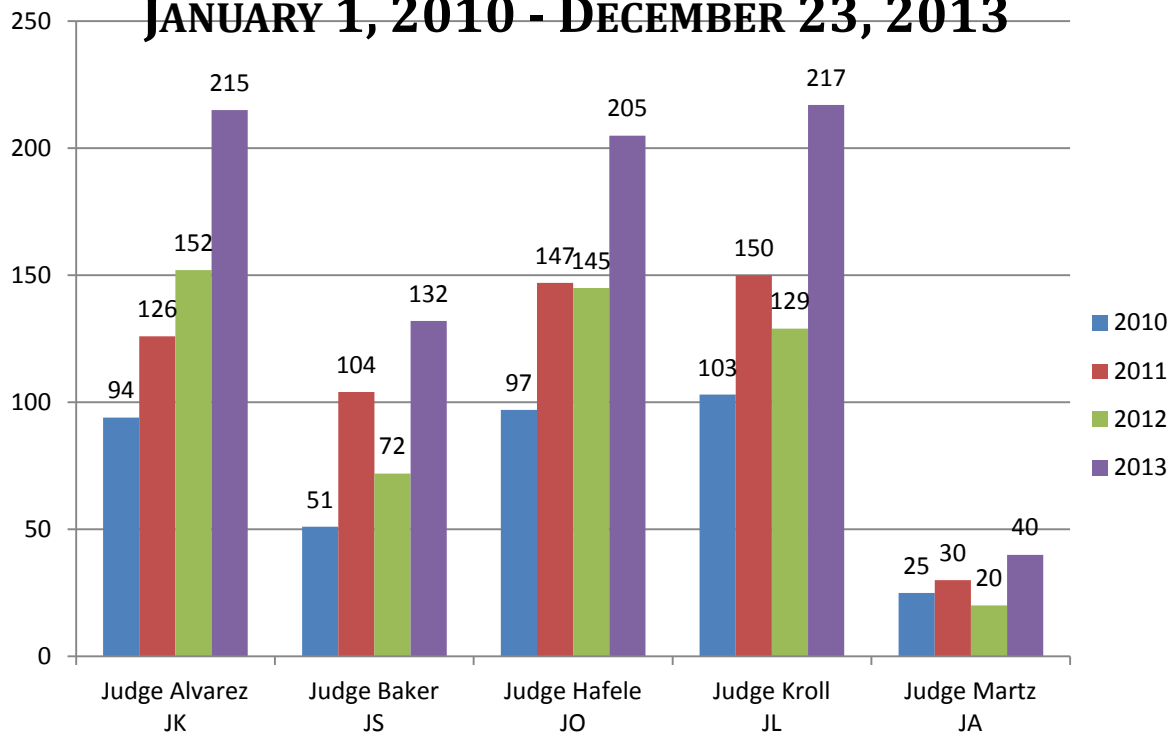
TABLE 2
JUVENILE DEPENDENCY EVENTS
2012 - 2013



Additionally, pursuant to the Florida Supreme Court’s new mandate, the trial court must ensure that children in a dependency action are present in court and are given a meaningful opportunity to be heard. This change in procedure has caused a significant delay of the dependency dockets, to allow the children to speak and be addressed by the Judge (previously children did not regularly attend these types of hearings). The addition of children in court, the more frequent oversight by the court, and the increase in the number of children being sheltered by the Department of Children and Families has caused the Juvenile Division's workload to increase to the point that an additional Judge was needed to effectively handle the caseloads and ensure the safety of the children and families involved in the proceedings.

The 15th Judicial Circuit's dependency filings have increased significantly, in all juvenile divisions, from 2010 to the present (see Table 3). This increase, in combination with the greater number (and length) of events has further exacerbated the need for judicial resources. The additional Juvenile Judge will help the Juvenile Division address the increased dependency case load. Additionally, it is hoped that the additional judicial resources will relieve the docketing delays that have arisen due to the legislative and Supreme Court's directives related to juvenile procedures.

TABLE 3
JUVENILE DEPENDENCY FILINGS
JANUARY 1, 2010 - DECEMBER 23, 2013



The need for an additional office for a Juvenile Magistrate and his/her assistant is required as a result of that growth. In order to create that additional office; Staff is proposing the following project.

Main Courthouse: Build-out the shell space in the NE corner of the 3rd Flr Juvenile occupied space. The build-out of the shell space will allow the Magistrate to have an office in proximity to the Hearing Room growth. The total cost of the 3rd Flr build-out at the Main Courthouse is \$20,000 and is proposed to be funded from Public Building Impact Fees.

FUTURE REQUIREMENTS

In the next years there are requests from 1) the 15th Judicial Circuit for space to accommodate an additional 5-6 judges and 2) Guardian ad Litem to accommodate the additional growth of paid Staff and volunteers to allow the program to provide GAL's to 100% of the children in DCF's care as opposed to the 79% with a GAL. Both of these will need to be accommodated through separate and future projects.

14-

0380

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER

FUND 3805 - Public Building Impact Fees

BGEX-410-01: 1414-620

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 01/13/2014	REMAINING BALANCE
Reserves								
411-9900	9909 - Reserves for Improvement	1,852,258	1,852,258	0	260,000	1,592,258		1,592,258
MJC 3rd & 4th fl BO								
411-B574	4907 - Building Imp Non-Capital	0	0	260,000	0	260,000		260,000
Total				<u>260,000</u>	<u>260,000</u>			

Facilities Development & Operations
INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures

Date

By Board of County Commissioners
At Meeting of

2/4/2014

Deputy Clerk to the
Board of County Commissioners

[Handwritten Signature]

1/28/14
1/30/2014

5/23/14